

**REMARKS**

This application has been carefully reviewed in light of the Office Action mailed September 12, 2005. Claims 1-25 are pending in the Application. Applicant respectfully requests reconsideration and favorable action of all pending claims in view of the following remarks.

**Section 102 and 103 Rejections:**

The Office Action rejects Claims 1-9, 12-19 and 24-25 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,057,915 to Squire et al. ("Squire") in view of GB 2 219 708 to Sepp ("Sepp"), and rejects Claims 10-11 and 22-23 under 35 U.S.C. § 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over *Squire* in view of U.S. Patent No. 6,844,924 to Ruff et al. ("Ruff"). Applicant respectfully traverses.

Claim 1 is allowable at least because the cited references do not teach detecting the presence of a **previously undetected** moving projectile by analyzing information in reflected energy reflected from a defined beam of eyesafe laser energy, as claimed by Claim 1. The Office Action concedes that *Squire* does not teach this limitation ("Squire does not specifically teach detecting the presence of a previously undetected moving projectile . . . ." Office Action, p. 2), but relies on *Sepp* to teach this limitation. This reliance is misplaced.

Rather, *Sepp* discloses using a laser sensor to determine the velocity and range of a target previously detected by a thermal imaging apparatus. ("A single-pass image processing [by the thermal system] defines the points of interest . . . these points of interest are then ranged on with the beam of the CO<sub>2</sub>-laser-heterodyne sensor 10 . . . ." *Sepp*, p. 5) Clearly, the laser of *Sepp* could not and would not range on something that has not yet been detected; and thus, *Sepp* does not disclose detecting the presence of a **previously undetected** moving projectile. Based on the velocity determination of the previously detected target, the previously detected target is classified as real or spurious, but this velocity determination is only performed for projectiles previously detected by the thermal imaging system. For previously detected targets that are classified as real, a range detection is also made by the laser. *Sepp*, p 5.

Thus, clearly *Sepp* does not disclose the above-cited limitation and Claim 1 is therefore allowable, as are all claims depending therefrom. Independent Claims 13 and 25 are allowable for analogous reasons, as are all claims depending therefrom. Reconsideration and favorable action are requested.

CONCLUSION

Applicant has now made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for other apparent reasons, Applicant respectfully requests allowance of all pending claims.

If the Examiner feels that prosecution of the present Application may be advanced in any way by a telephone conference, the Examiner is invited to contact the undersigned attorney at 214-953-6447.

Applicant does not believe that any fees are due. However, the Commissioner is hereby authorized to charge any required fees and credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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